

REMARKS

Claims 1-14 are all the claims pending in the application.

Claims 1-14 are objected to.

Claims 1-14 are rejected.

Claims 1-2, and 4-5 are rejected under 35 U.S.C. § 102(b) as being unpatentable over Glover et al. (U.S. Patent Number 6,052,780).

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Glover et al. (U.S. Patent Number 6,052,780), as applied to claims 1-2, in view of Schneier ("Applied Cryptography, Second Edition").

Claims 6-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Glover et al. (U.S. Patent Number 6,052,780), as applied to claims 1-2, in view of McManis (U.S. Patent Number 5,757,914).

Claims 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Glover et al. (U.S. Patent Number 6,052,780), as applied to claims 1-2, in view of Cabrera et al. (U.S. Patent Number 5,978,815).

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Glover et al. (U.S. Patent Number 6,052,780) in view of McManis (U.S. Patent Number 5,757,914), as applied to claim 3, and further in view of Cabrera et al. (U.S. Patent Number 5,978,815).

The Applicant traverses the rejection and respectfully requests reconsideration.

Claim Objections

The Examiner objects to claims 1-14 because the independent claims recite that encryption and decryption are performed by the device driver when these operations are performed by the processor executing the driver. The Applicant *agrees* that the decryption and encryption are done by the processor. In fact, a skilled artisan will know that a processor actually executes a section of the code even though that section of the code is referred to as having executed the code. Such a phraseology is commonly used in the relevant art. Further, the Applicant respectfully submits that the chosen claim language is neither indefinite nor does it impede the patentability of any of the claims.

The Applicant maintains that the changes to the claims in the Amendment filed on June 19, 2006 were made primarily for clarification and are not believed to narrow the scope of the claims. The Applicant does not wish the Examiner to ignore any limitations in the claims.

Claim Rejections Under 35 U.S.C. § 102

The Examiner rejects Claims 1-2, and 4-5 under 35 U.S.C. § 102(b) as being anticipated by Glover (US Patent Number 6,052,780). All the Applicant's arguments in this response focus on the functionality that the present invention's device driver decrypts part of itself. By having the "encrypted code portion" in the device driver, the driver's code becomes harder to reverse engineer or analyze. The Applicant respectfully submits that this discerning feature distinguishes the present invention over the prior art.

The Examiner alleges Glover clearly shows in Fig. 7 that the “unwrap procedure,” “device driver,” and “hidden application” are all part of one “computer program file.” Additionally, the Examiner alleges Glover clearly shows that the device driver performs the decryption. The Applicant *agrees* the device driver performs the decryption in Glover. However, the device driver, as the Examiner states, is separate from the encrypted code portion. The Applicant respectfully submits that the exact opposite is true of the present invention. The encrypted code portion is part of the device driver in the present invention as recited in claim 1.

Claim 1 recites a method for operating a device driver including the step of “providing a device driver *comprising* an encrypted program code portion of a main process” (emphasis added). Therefore, the device driver is comprised of an encrypted program code portion. Furthermore, the next step consists of “decrypting the encrypted program code portion,” correctly implying that the device driver is decrypting part of itself because the previous step recites that the device driver comprised of the encrypted code portion. Then, for additional clarity, the claim recites that “the encrypted program code portion to be decrypted is in said device driver’s *own* program” (emphasis added).

This interpretation is consistent with the invention’s stated purpose: The object of the present invention is to provide device driver structuring method to prevent program analysis of the device driver (Specification, Page 4, lines 21-23). The Applicant designed the device driver program itself to contain encrypted code to prevent analysis of the device driver.

If the encrypted code were separate from the device driver, as indicated in Figure 7 of Glover, then the purpose of the present invention would not be achieved. Figure 7 shows the “device driver” as a separate section of the “computer file” from the “hidden application” unlike the present invention. No part of the device driver in Glover has been encrypted as required by the present invention.

Therefore, the Applicant respectfully submits that claim 1 should be allowable. Claim 4 should be allowable for at least the same reasons because of its dependency on claim 1.

Claim 2 includes limitations analogous to those described in claim 1. Therefore, it should be allowable for reasons analogous to those described above. Claim 5 should be allowable for at least the same reasons because of its dependency on claim 2.

Claim Rejections Under 35 U.S.C. § 103

The Examiner uses Glover in combination with various references to reject claims 3, and 6-14 under 35 U.S.C. § 103(a). However, as discussed above, because Glover does not disclose a device driver that decrypts part of itself to prevent analysis of the device driver.

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Glover et al. (U.S. Patent Number 6,052,780), as applied to claims 1-2, in view of Schneier (“Applied Cryptography, Second Edition”). Claim 3 includes limitations analogous to those described above in relation to claim 1. Therefore, it is patentable at least for analogous reasons. Moreover, Schneier does not overcome the deficiencies as noted above in the teachings of Glover.

Claims 6-11 are rejected under 35 U.S.C. § 103(a) as being anticipated by Glover et al. (U.S. Patent Number 6,052,780), as applied to claims 1-2, in view of McManis (U.S. Patent Number 5,757,914). Claims 6-11 depend on claims 1 and 2. Claims 6-11 also include limitations analogous to those described above in relation to claim 1. Therefore, they are patentable at least for analogous reasons. Moreover, McManis does not overcome the deficiencies as noted above in the teachings of Glover.

Claims 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Glover et al. (U.S. Patent Number 6,052,780), as applied to claims 1-2, in view of Cabrera et al. (U.S. Patent Number 5,978,815). Claims 12-13 depend on claims 1 and 2. Claims 12-13 include limitations analogous to those described above in relation to claim 1. Therefore, they are patentable at least for analogous reasons. Moreover, Cabrera does not overcome the deficiencies as noted above in the teachings of Glover.

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Glover et al. (U.S. Patent Number 6,052,780), as applied to claims 1-2, in view of McManis (U.S. Patent Number 5,757,914), as applied to claim 3, and further in view of Cabrera et al. (U.S. Patent Number 5,978,815). Claim 14 depends on claims 3. Claim 14 includes limitations analogous to those described above in relation to claim 1. Therefore, it is patentable at least for analogous reasons. Moreover, McManis or Cabrera do not overcome the deficiencies as noted above in the teachings of Glover.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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